

# United States District Court

for the

Western District of New York

United States of America

Case No. 24-MJ-534

v.

FLOAREA LINU and ROMARIO SERBAN,

*Defendants*

## CRIMINAL COMPLAINT

I, Francis Xavier DeLuke, the complainant in this case, state that the following is true to the best of my knowledge and belief: between on or about July 2, 2023, and July 8, 2023, in the Western District of New York and elsewhere, the defendants, FLOAREA LINU and ROMARIO SERBAN violated:

- (1) 18 U.S.C. § 1029(a)(2) (Trafficking in or Use of Unauthorized Access Devices);
- (2) 18 U.S.C. § 1029(b) (Conspiracy to Traffic in or Use Unauthorized Access Devices);
- (3) 18 U.S.C. § 1029(a)(3) (Possession of 15 or more Counterfeit or Unauthorized Access Devices);
- (4) 18 U.S.C. § 1029(b) (Conspiracy to Possess 15 or more Counterfeit or Unauthorized or Access Devices);
- (5) 18 U.S.C. § 1343 (Wire Fraud); and
- (6) 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud).

This Criminal Complaint is based on these facts: **SEE ATTACHED AFFIDAVIT OF FBI SPECIAL AGENT FRANCIS XAVIER DELUKE.**

☒ Continued on the attached sheet.



FRANCIS XAVIER DELUKE, FBI

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: April 10, 2024



Judge's signature

City and State: Rochester, New York

MARK W. PEDERSEN  
UNITED STATES MAGISTRATE JUDGE

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

STATE OF NEW YORK    )  
COUNTY OF MONROE    )       ss:  
CITY OF ROCHESTER    )

I, FRANCIS XAVIER DELUKE, being duly sworn, depose and state:

**INTRODUCTION AND AGENT BACKGROUND**

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been since December 2021. I am currently assigned to the Corning, New York, Resident Agency. As a special agent of the FBI, I am an investigative or law enforcement officer of the United States, authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States. As an investigative or law enforcement officer of the United States, I am also authorized to conduct investigations of and to make arrests for violations of federal criminal statutes.

2. This affidavit is submitted in support of an application for a complaint charging FLOAREA LINU (“LINU”) and ROMARIO SERBAN (“SERBAN”) with violations of Title 18, United States Code, Sections 1029(a)(2) (Trafficking in or Use of Unauthorized Access Devices), 1029(b) (Conspiracy to Traffic in or Use Unauthorized Access Devices), 1029(a)(3) (Possession of 15 or more Counterfeit or Unauthorized Access Devices), 1029(b) (Conspiracy to Possess 15 or more Counterfeit or Unauthorized or Access Devices), 1343 (Wire Fraud), and 1349 (Conspiracy to Commit Wire Fraud) (collectively, the “TARGET OFFENSES”).

3. This affidavit is based on my investigation and on information provided to me by members of the law enforcement community. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning the investigation. Instead, I have set forth only the facts which I believe are sufficient to establish probable cause to conclude that LINU and SERBAN committed the TARGET OFFENSES.

#### **BACKGROUND ON CREDIT CARD SKIMMING**

4. A “skimmer” is an electronic device that can be placed on a credit card terminal. A credit card terminal is the device typically used by customers in a retail store to pay by swiping their credit or debit cards. Once a skimmer is installed, it is almost undetectable to customers because it blends into the original credit card terminal.

5. Unbeknownst to the customers, every time they swipe their credit card through a terminal that has a skimmer installed, the skimmer captures the credit card information.

6. The skimmer also includes an overlay where the customers enter their PIN codes. This overlay captures the customers’ PIN codes when they type them into the card terminal.

7. The skimmer then either stores the credit card information or transmits it to the criminal who installed the skimmer. For skimmers that do not automatically transmit their data, criminals return later to the device to remove the skimmer from the credit card terminal and download the stolen account information.

8. Criminals then use the stolen account information to “clone” the victims’ credit cards. The card information is digitally written on the magnetic strip of a different card (a “counterfeit” or “cloned” card). Criminals commonly use gift cards and prepaid debit cards for this purpose. Criminals then purchase items with the cloned cards and resell those items for cash.

9. Criminals also sell the stolen account information to third parties on the dark web.

10. Cloned EBT cards are often used to purchase bulk food items, which can be resold for cash.

#### **OVERVIEW OF WALMART CREDIT CARD SKIMMING INVESTIGATION**

11. As discussed in further detail below, between July 2, 2023, and July 8, 2023, credit card skimming devices were installed at 19 Walmart stores throughout the east coast including at 15 stores in New York State. In most cases, the skimming devices were not discovered until a few days after they were installed. The last device was discovered and removed on or about September 16, 2023.

12. Based on surveillance footage, law enforcement identified the skimmer installation scheme procedure. First, three individuals would install a skimmer at a Walmart. Then, after a few days, two different individuals would return to collect the information that the skimmer had gathered.

13. For example, the below images show three individuals installing a skimmer at a Walmart located in Painted Post, NY:



14. Below is an image of the skimmer device recovered from the Painted Post Walmart. As discussed above, the device is designed to look like a normal credit card terminal, but with additional electronics to capture data:



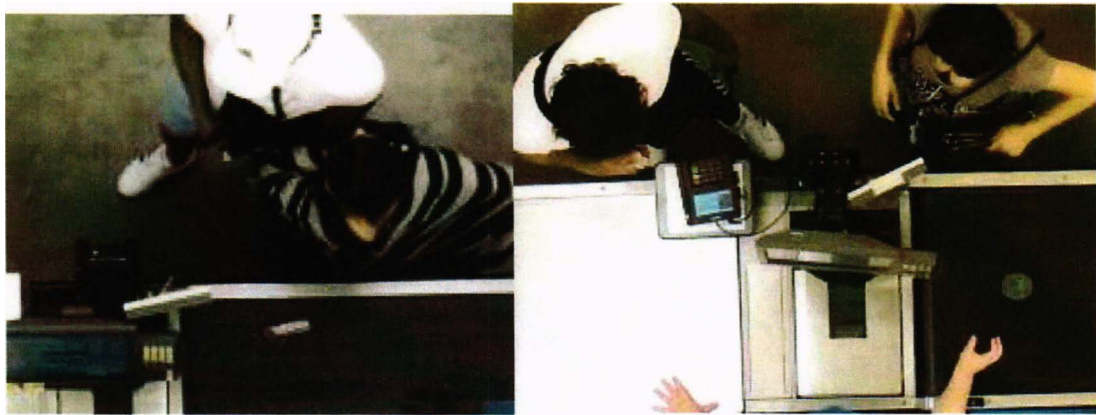


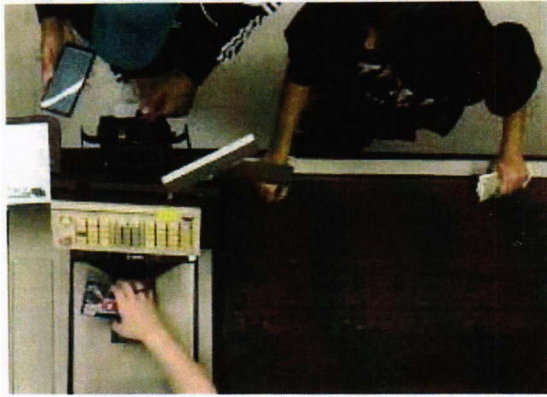
15. Security video provided by Walmart shows the same three individuals installing skimmers at the 19 targeted Walmart stores.

16. Security video and additional evidence discussed below shows SERBAN and LINU retrieving the data from the skimmers at the same 19 targeted Walmart stores.

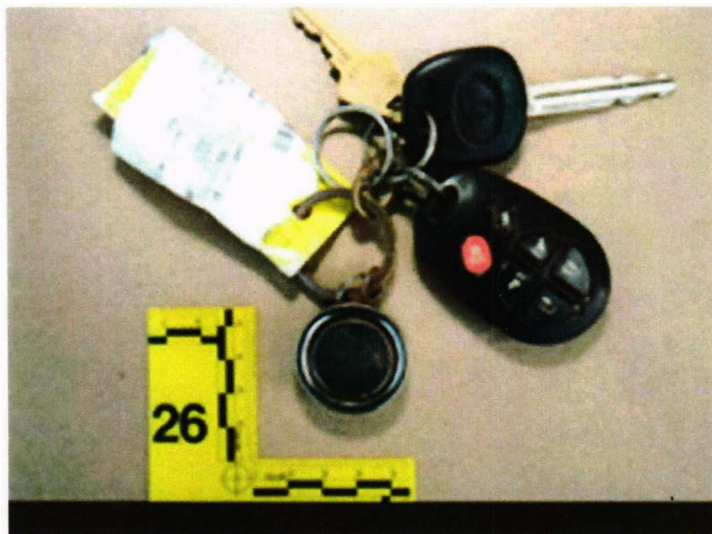
17. SERBAN and LINU would retrieve the skimmer data by activating the skimmer device with a magnetic key fob on SERBAN's key ring.

18. LINU's role was to create multiple interactions by breaking up payments and maintaining the attention of the cashier. This allowed SERBAN to use the magnetic activation tag to retrieve the skimmer's data. LINU'S role can be seen played out through the security video provided by Walmart. Below are still shots from various Walmart stores where LINU acted as a shield or made multiple cash payments as a distraction while SERBAN used the magnetic activation tab to retrieve data:



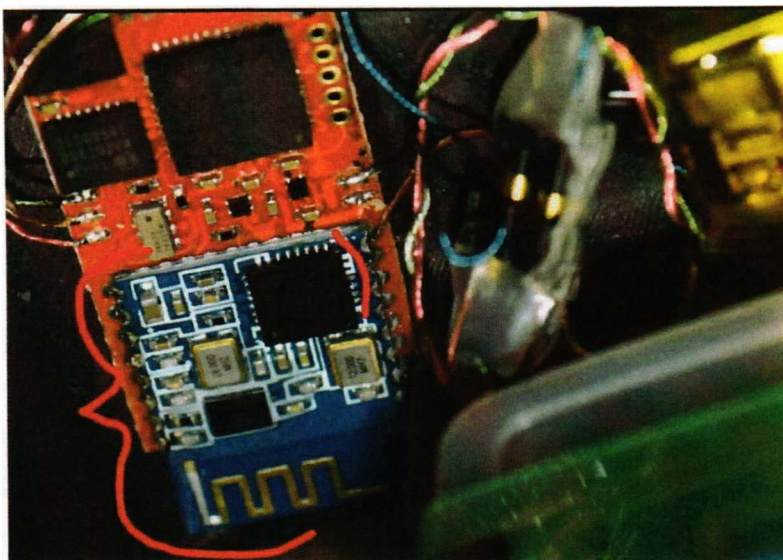


19. Below is an image of the magnetic key fob seized during a subsequent search of SERBAN and LINU's vehicle:



20. Analysis of the seized magnetic key fob by the New York State Cyber Command Center revealed that, once placed near the skimmer, the magnet would activate a switch on the skimmer that allowed SERBAN and LINU to collect the stored data via Bluetooth.

21. Below is an image of a Bluetooth module found in one of the skimming devices used to transmit data to SERBAN and LINU:



22. According to Walmart Global Investigators, over 27,144 credit cards and 2,195 EBT card numbers were compromised at the twenty-two Walmart stores during the time these skimmers were active. According to NYS Office of Temporary and Disability Assistance based on data analysis conducted on the compromised EBT cards that Walmart was able to provide, Walmart investigators estimate that suspicious transactions from stolen EBT numbers alone amount to at least \$10,000.

23. The video footage provided by Walmart showed three vehicles that were used to execute this scheme. One of the vehicles is a 2005 Toyota Sienna Van bearing Texas Registration TCV6966 (the “2005 Toyota”).

24. Below are images of the 2005 Toyota observed in a Walmart parking lot during the time of a skimming event:





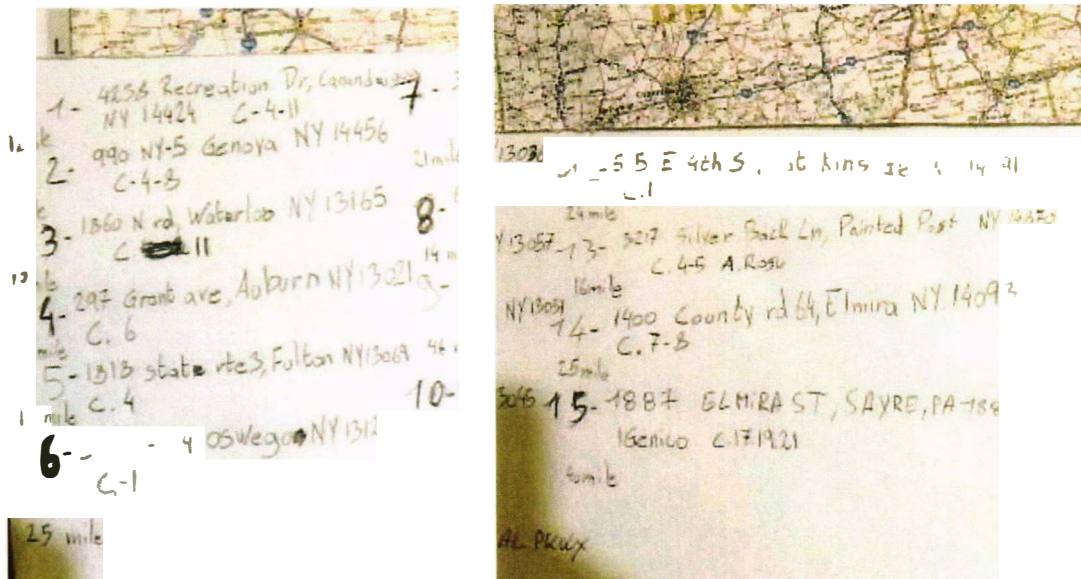
25. The 2005 Toyota was subsequently stopped by the Pocono Township Police Department ("PTPD"). LINU and SERBAN were inside the vehicle when it was stopped.

26. SERBAN, the driver of the vehicle, consented to a search of his person and the 2005 Toyota Sienna. After a cursory search, law enforcement found a laptop bag containing several iPads and iPhones and a round magnet attached to the vehicle's keys. This round magnet is believed to be the tool used to retrieve data from the skimming devices. The property inside the vehicle and the property on the individuals was consistent with what SERBAN and LINU were seen wearing and carrying in Walmart surveillance footage. The 2005 Toyota Sienna was then placed in a PTPD impound lot and the doors were sealed with evidence tape.

27. On or about September 21, 2023, law enforcement obtained and executed a federal warrant to search the 2005 Toyota Sienna. During the search, law enforcement found a number of items of evidence discussed in further detail below that linked SERBAN and LINU to the retrieval of data from the skimming devices that were installed at the various Walmart stores throughout the east coast.

28. Among these items of evidence was an Apple iPhone 8 that was submitted to the Western New York Regional Computer Forensics Laboratory for extraction and analysis, as permitted by the federal search warrant.

29. Among the files extracted from this iPhone was a picture of a handwritten list of Walmart stores and the mileage between Walmart stores. According to surveillance footage obtained from Walmart, SERBAN and LINU visited these stores in the exact order that the stores are listed on the extracted image, pictured below:



### **SERBAN AND LINU'S THEFTS FROM SPECIFIC WALMARTS**

30. Security footage depicts SERBAN and LINU in the act of retrieving the skimmer data from 19 Walmart locations within days of skimmers being installed at the stores.

*Painted Post, New York, Walmart*

31. On or about July 8, 2023, Walmart surveillance cameras captured images of SERBAN and LINU entering a Walmart located in Painted Post, NY, and retrieving data from the skimmer as shown below:





32. SERBAN is wearing what I believe to be a white t-shirt with the letters A and X in black lettering. LINU is wearing what I believe to be a blue layered long skirt with white polka dots.

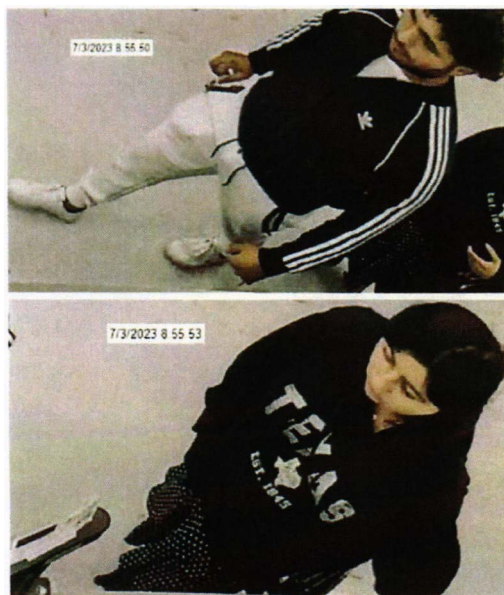
33. The images below show evidence items 18 and 24 found in the 2005 Toyota when it was searched. I believe those clothes are the same clothes that SERBAN and LINU wore during the data retrieval at the Painted Post, NY Walmart:





*Geneva, New York, Walmart*

34. On or about July 3, 2023, surveillance footage shows SERBAN and LINU entering a Walmart in Geneva, NY, and using the magnetic activation tag for the skimming device, as pictured below:







35. SERBAN is wearing what I believe to be a black Adidas track jacket and white sweatpants with a black stripe at the pocket. LINU is wearing what I believe to be a blue layered long skirt with white polka dots.

36. Pictured below are evidence items 1, 4, and 18, which were collected from the 2005 Toyota and appear to be the same clothes that SERBAN and LINU wore during the data retrieval at the Geneva Walmart:



37. In the Geneva Walmart surveillance footage, SERBAN is also wearing a black fanny pack around his neck. Pictured below is evidence item 21, a black fanny pack that was retrieved from the 2005 Toyota.



*Ithaca, New York, Walmart*

38. On or about July 5, 2023, Walmart surveillance footage captured SERBAN and LINU entering a Walmart located in Ithaca, NY, and retrieving data from a skimmer, as show below:





39. SERBAN is wearing what I believe to be a white t-shirt with “Guess” printed on it with a question mark symbol, both within a red triangle. LINU is wearing what I believe to be a long black skirt with a white design.

40. The images below show evidence items 14, 19, and 21, which were found in the 2005 Toyota and appear to be the same clothes that SERBAN and LINU wore during the data retrieval at the Ithaca, NY, Walmart:



41. In the Ithaca Walmart surveillance footage, SERBAN also appears to be wearing the black fanny pack pictured as evidence item 21 in ¶ 37 above, and carrying the black activation tag pictured as evidence item 26 in ¶ 19 above.



***Canandaigua, New York, Walmart***

42. On or about July 3, 2023, an overlay skimming device was installed at a Walmart located in Canandaigua, New York. Later that day, SERBAN and LINU arrived at the Canandaigua Walmart and SERBAN can be seen presenting what appears to be the magnetic key fob against the installed skimmer:



***Waterloo, New York, Walmart***

43. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in Waterloo, NY. The next day, SERBAN and LINU arrived at the Waterloo Walmart and SERBAN can be seen presenting what appears to be the magnetic key fob against the installed skimmer:



*Auburn, New York, Walmart*

44. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in Auburn, New York. The next day, SERBAN arrived at the Auburn Walmart where he can be seen presenting what appears to be the magnetic key fob against the installed skimmer:





***Fulton, New York, Walmart***

45. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in Fulton, New York. The next day, SERBAN arrived at the Fulton Walmart where he can be seen presenting what appears to be the magnetic key fob against the installed skimmer:



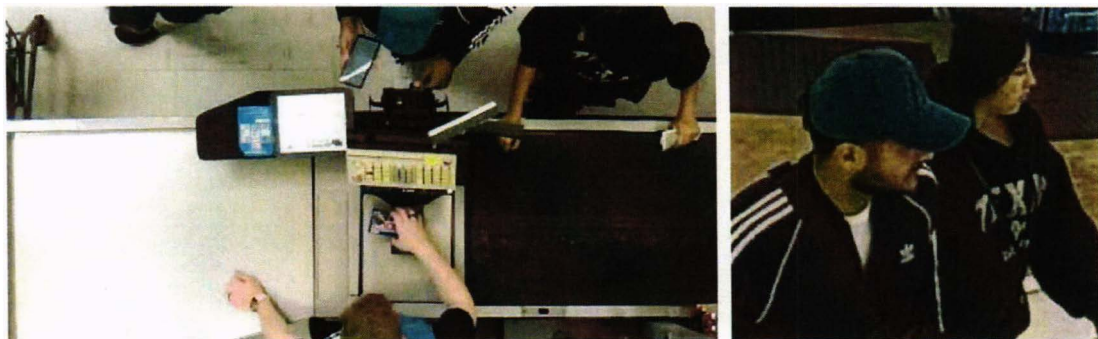
***Oswego, New York, Walmart***

46. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in Oswego, NY. The next day, SERBAN arrived at the Oswego Walmart where he can be seen presenting what appears to be the magnetic key fob against the installed skimmer:



***Central Square, New York, Walmart***

47. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in Central Square, New York. The next day, SERBAN and LINU arrived at the Central Square Walmart and SERBAN can be seen presenting what appears to be the magnetic key fob against the installed skimmer while LINU creates a distraction with a purchase:



***East Syracuse, New York, Walmart***

48. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in East Syracuse, New York. The next day, SERBAN and LINU arrived

at the East Syracuse Walmart and SERBAN can be seen presenting what appears to be the magnetic key fob against the installed skimmer while LINU creates a distraction with a purchase:



*Camillus, New York, Walmart*

49. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in Camillus, New York. The next day, SERBAN and LINU arrived at the Camillus Walmart and SERBAN can be seen presenting what appears to be the magnetic key fob against the installed skimmer:



*Cortland, New York, Walmart*

50. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in Cortland, New York. The next day, SERBAN and LINU arrived at the Cortland Walmart and SERBAN can be seen presenting what appears to be the magnetic key fob against the installed skimmer while LINU creates a distraction with a purchase:





***Watkins Glen, New York, Walmart***

51. On or about July 3, 2023, an overlay skimming device was installed at a Walmart located in Watkins Glen, NY. On July 5, 2023, SERBAN arrived at the Watkins Glen Walmart where he can be seen presenting what appears to be the magnetic key fob against the installed skimmer:



***Elmira, New York, Walmart***

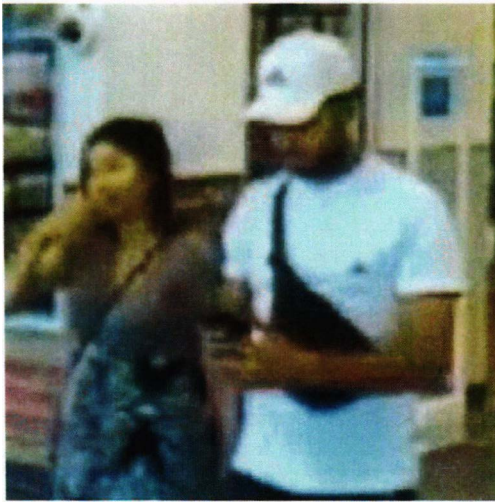
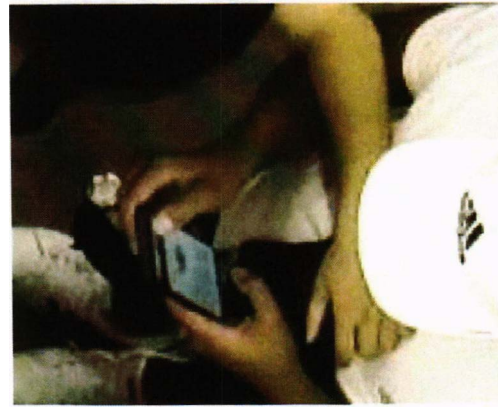
52. On or about July 3, 2023, an overlay skimming device was installed at a Walmart located in Elmira, New York. On July 5, 2023, SERBAN arrived at the Elmira Walmart where he can be seen presenting what appears to be the magnetic key fob against the installed skimmer:





*Norwich, New York, Walmart*

53. On or about July 2, 2023, an overlay skimming device was installed at a Walmart located in Norwich, New York. On July 5, 2023, SERBAN and LINU arrived at the Norwich Walmart and SERBAN can be seen presenting what appears to be the magnetic key fob against the installed skimmer while LINU creates a distraction with a purchase:



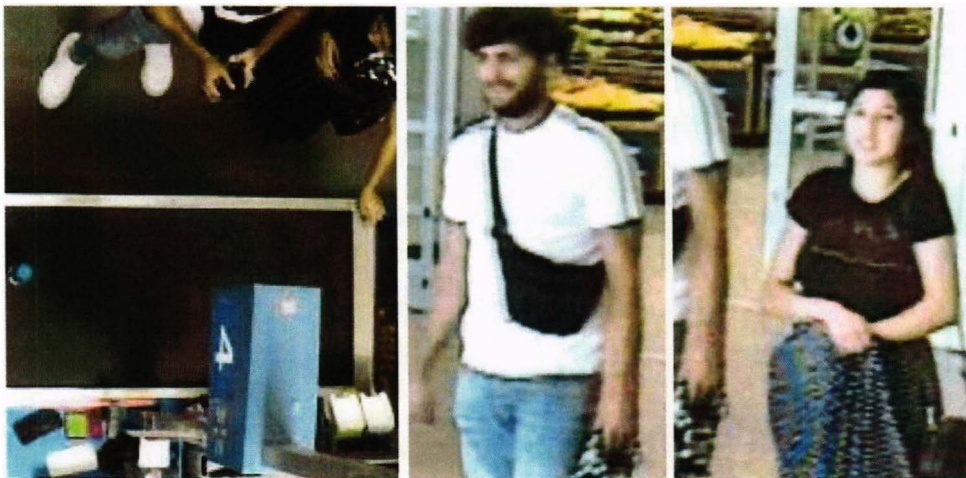
*Hudson, Massachusetts, Walmart*

54. On or about July 4, 2023, an overlay skimming device was installed at a Walmart located in Hudson, Massachusetts. On July 6, 2023, SERBAN and LINU arrived at the Hudson Walmart and SERBAN can be seen presenting what appears to be the magnetic key fob against the installed skimmer while LINU creates a distraction with a purchase:



*Seabrook, New Hampshire, Walmart*

55. On or about July 4, 2023, an overlay skimming device was installed at a Walmart located in Seabrook, New Hampshire. On July 6, 2023, SERBAN and LINU arrived at the Seabrook Walmart. At this location, LINU also stole an iPad, which can be seen concealed under her skirt:



***Sanford, Maine, Walmart***

56. On or about July 4, 2023, an overlay skimming device was installed at a Walmart located in Sanford, Maine. On July 6, 2023, SERBAN arrived at the Sanford Walmart. At this location, SERBAN also appears to inspect the device and then leaves the register area.



***Windham, Maine, Walmart***

57. On or about July 4, 2023, an overlay skimming device was installed at a Walmart located in Windham, Maine. On July 6, 2023, SERBAN arrived at the Windham Walmart where he can be seen presenting what appears to be the magnetic key fob against the installed skimmer:






58. SERBAN and LINU are both likely in the country illegally. According to reports from United States Customs and Border Patrol (“CBP”), the most recent travel information on SERBAN and LINU is that SERBAN left the United States in 2018 on a flight to Portugal, and LINU was arrested on immigration charges in 2021 and deported. CBP believes that SERBAN and LINU most likely crossed back into the United States illegally.


### CONCLUSION

59. Based on the foregoing, I submit that there is probable cause to believe that FLOREA LINU and ROMARIO SERBAN committed the TARGET OFFENSES. I therefore respectfully request that the attached criminal complaint and arrest warrant be issued.



  
FRANCIS XAVIER DELUKE  
Special Agent  
Federal Bureau of Investigation

Affidavit submitted electronically by email  
in .pdf format. Oath administered, and  
contents and signature, attested to me as  
true and accurate telephonically pursuant  
to Fed. R. Crim. P. 4.1 and 4(d) on this  
10th day of April 2024

  
HON. MARK W. PEDERSEN  
United States Magistrate Judge